

United States Patent and Trademark Office



UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/802,026	03/08/2001	Robert R. Champion	1912-001	4695	
9629	7590 02/09/2005	EXAMINER			
	LEWIS & BOCKIUS LL	FULTS, RICHARD C			
WASHINGTON, DC 20004		•	ART UNIT	PAPER NUMBER	
			3628		
				DATE MAILED: 02/09/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.



		Application No.	Applicant(s)	
~ l		09/802,026	CHAMPION ET AL.	
\mathbb{W}	Office Action Summary	Examiner	Art Unit	
		Richard Fults	3628	
D	The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address	
	or Reply			
THE - Ext afte - If th - If N - Fai Any	HORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. ensions of time may be available under the provisions of 37 CFR 1.13 or SIX (6) MONTHS from the mailing date of this communication. He period for reply specified above is less than thirty (30) days, a reply of period for reply is specified above, the maximum statutory period value to reply within the set or extended period for reply will, by statute or reply received by the Office later than three months after the mailing ned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be timed within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).	
Status				
1)区	Responsive to communication(s) filed on 08 M	arch 2001.		
		action is non-final.		
3)[Since this application is in condition for allowar	nce except for formal matters, pro	secution as to the merits is	
	closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.	
Disposi	tion of Claims			
4)⊠	Claim(s) 1-15 is/are pending in the application.			
٠,٠	4a) Of the above claim(s) is/are withdraw			
5)	Claim(s) is/are allowed.			
· · · · ·	Claim(s) <u>1-15</u> is/are rejected.			
	Claim(s) is/are objected to.		,	
8)□	Claim(s) are subject to restriction and/or	election requirement.		
Applica	tion Papers			
9)	The specification is objected to by the Examine	r.		
	<u> </u>	epted or b) objected to by the E	Examiner.	
,	Applicant may not request that any objection to the			
	Replacement drawing sheet(s) including the correct		· ·	
11)	The oath or declaration is objected to by the Ex		• • •	
Priority	under 35 U.S.C. § 119			
	Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. § 119(a)	-(d) or (f).	
	1. Certified copies of the priority documents	s have been received.		
	2. Certified copies of the priority documents	s have been received in Application	on No	
	3. Copies of the certified copies of the prior		ed in this National Stage	
	application from the International Bureau			
*	See the attached detailed Office action for a list	of the certified copies not receive	d.	

Attachment(s)

1)		of References	Cited (P	10-892)
	_			

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2005/1.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date
5) Notice of Informal Patent Application (PTO-152)

Page 2

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described either in the specification or the claims in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. For claim 1 neither of the terms "generating" nor " an electronic investment contract" are defined in the specifications, (especially not together) except by the definition in line 9 on page 11 which defines them by describing their alleged benefit and intended use. Although they are termed in that definition as "financial instruments", in the investment world financial instruments are legal documents defined by their regulatory and legal attributes, not by their intended use as stated in the specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For independent claim 1 and dependant claims 2-15 the term "generating an electronic investment contract" is not defined in either the specification or any of the claims, except by the definition in line 9 on page 11 of the

use or investment feature descriptors as stated in the claims.

specification which defines them by describing their alleged benefit and intended use: neither what they are nor how to generate them. Although they are termed in that definition as "financial instruments", in the investment world financial instruments are legal documents defined by their regulatory and legal attributes, not by their intended

Page 3

3. As the claim and specification language is unclear as to the nature of this invention, a guess was made that it might relate to commodity contracts. In turn references were found that would relate to the claims made herewithin. These references are not cited but are as follows:

Wagner (US 4,903,201), 1990, which teaches an automated commodity futures trading exchange.

Atkins (US 5,852,811 A), 1994, which teaches the allocation of funds within an investment account.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Fults whose telephone number is 703-305-5416. The examiner can normally be reached on weekdays from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough, can be reached on (703)-305-0505. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

1/6/2005